



**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY COUNCIL AND
RIDGECREST REDEVELOPMENT AGENCY AND**

**City Council Chambers
100 West California Avenue
Ridgecrest, California 93555**

**December 16, 2009
6:30 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded for the purpose of preparation of minutes.

CALL TO ORDER

Meeting called to order at 6:00pm

ROLL CALL

Council Present Mayor Morgan, Council Members Carter, Wiknich, Holloway, Taylor

Staff Present Interim City Manager Harvey M. Rose; City Clerk Rachel J. Ford; Dir. Of Public Services Jim McRea; Dir. Of Public Works Dennis Speer; Chief of Police Ron Strand; Dir. Of Parks & Recreation Jim Ponck; and other staff

APPROVAL OF AGENDA

- Item 4 removed due to question of sufficiency of petition. Will reschedule for future council meeting.

Motion to approve the agenda as amended was made by Council Member Carter, Second by Council Member Holloway, Motion carried by voice vote of 5 Ayes, 0 No's, 0 Abstain, 0 Absent.

REGULAR SESSION – 6:50 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

CITY ATTORNEY REPORTS

- ❖ Other – Wayne Lemieux wished the public Merry Christmas

COMMITTEES, BOARDS AND COMMISSIONS

Second Council Meeting (3rd Wednesday of the month)

Infrastructure Committee

Members: Tom Wiknich, Jerry Taylor, Lois Beres, Craig Porter

Meetings: 2nd Wednesday of the month at 5:00 p.m., Council Conference Room

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Next meeting January 13, 2010

- Council Member Wiknich - Will meet in January

City Organization and Services Committee

Members: Jerry Taylor, Tom Wiknich, Nellavan Jeglum, Lois Beres

Meetings: 2nd Monday of the month at 5:00 p.m.; Council Conference Room

Next meeting January 11, 2010

- Council Member Taylor
 - Transit deviated fixed route discussion, staff report coming to council.
 - MIS Financial Computer system discussion, budget item pending and staff working thru holidays to repair. Budget mid-year delayed.

Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Co-Chairs Ron Carter, Chip Holloway, Ron Strand

Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center

Next meeting January 11, 2010

- Council Member Carter
 - Last meeting discussion of neighborhood watch

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

❖ Holiday Schedule - Discussion of January 6 Council Meeting

- City Hall will be closed between Christmas and New Year's which interferes with agenda preparation, staff request approval to cancel January 6 council meeting.
- Mayor Morgan – will not be available for January 20 meeting, CIWMB in Sacramento
- Council Member Taylor – Sacramento meeting on 21st.
- Mayor Morgan – Tuesday, January 19th next meeting. City Clerk will post the meeting notice.

❖ Announcement - GFOA Award

- City has been recognized by Government Finance Officers Association for openness and honesty in government finance reporting. This is a prestigious recognition by Peers and Tess Sloan will receive the recognition on behalf of the finance staff for their efforts.

PUBLIC HEARINGS

1. **A Public Hearing Of The City Council To Consider The Planning Commission's Recommendations To Approve The Mitigated Negative Declarations, Zone Designations, Annexation Applications And The Proceedings For Annexation No. 17-1, 40.6 Acres (Taft Corp) And No. 17-2, 23.92 Acres (PAM)**

McRea

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Annexation 17-1: An application of Taft Corporation to annex 40.6 acres into the City of Ridgecrest with a zone designation of E-2 (Estate Residential 10,000 s.f. min) located north of the northwest corner of Kendall Ave. and S. Norma St. (TIM 6731) APN: 510-010-06 and 07

Annexation 17-2: An application of PAM Ridgecrest Venture, LLC to annex 23.92 acres into the City of Ridgecrest with a zone designation of E-1 (Estate Residential 40,000 s.f. min.) located at the northeast corner of W. Ridgecrest Blvd. and N. Brady St which includes part of W. Ridgecrest Blvd, N. Brady St., W. Las Flores Ave and Garth St. (a part of Wild Pointe Ranch-TTM 6691) APN: 455-100-06 and a portion of 455-100-07.

On November 24, 2009, the City of Ridgecrest Planning Commission held a public hearing for Annexation 17. LFACO approved a Municipal Service Review (MSR) for the Ridgecrest Area on May 27, 2009 which made it possible to accept and process the annexation request. City Council Approval of the recommended Resolutions is necessary to submit with the Annexation Application to LAFCO.

- Jim McRea gave staff report identifying 2 items presented as combined public hearing. Staff reports and records from Planning Commission. Request speakers for Annexation No. 17-1 to speak first and those speaking on Annexation No. 17-2 to speak second. Resolutions to be approved following public hearing.

Public Hearing for 17-1 opened by Mayor Morgan at 6:44 pm

- There were no public speakers.
- There were no Council questions.
- Public Hearing Closed at 6:44 pm

Public Hearing for 17-2 opened by Mayor Morgan at 6:45pm

- Dave Matthews – project between Ridgecrest and Las Flores with cross street Brady. Is this project going to develop Ridgecrest Blvd. in that area and also concerned about traffic flow thru this section, Las Flores traffic has been increasing in normal business hours due to development. Hope traffic flow is addressed, future additional traffic lights.
 - Council Member Taylor – outlined the additions
- Public hearing closed at 6:47pm

Motion to approve mitigated negative declaration was made by Council Member Taylor, second by Council Member Wiknich. Motion Carried by voice vote of 5 ayes, 0 no's, 0 abstain, and 0 absent.

Motion to approve zone designation was made by Council Member Carter, second by Council Member Taylor. Motion carried by voice vote of 5 ayes, 0 no's, 0 abstain, and 0 absent.

Motion to approve annexation application was made by Council Member Taylor, second by Council Member Wiknich. Motion carried by voice vote of 5 ayes, 0 no's, 0 abstain, and 0 absent.

ORDINANCES AND RESOLUTIONS

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2. Resolution No. 09- , A Resolution Of The Ridgecrest City Council Establishing Policies For The Provision Of Services And Administration Of Ordinance No. 09-01 Which Provides Community Wide Universal (Mandatory) Curbside Solid Waste And Recycling Service Rose

Having passed Ordinance No. 09-01 mandating curbside solid waste and recycling service, the City Council is asked to approve a resolution that establishes certain policies for the administration of this Ordinance. While we are in the first billing cycle of this service, certain questions and problems have arisen. It is hoped that the policies included in the attached resolution will clarify and correct. Once the resolution is adopted, staff can craft an application for exemption/refund/credit/adjustment.

- Harvey Rose – gave outline of problems discovered in implementation of Ordinance 09-01. Based on information gathered from various sources, a resolution has been prepared and CIWMB is concerned with section 2(a) they would like to discuss further with City prior to adoption of that section. Read each item in section 1 and gave brief details. Future documents will define in depth the nature of accepted exemptions. Items outlined included inaccessible property; unoccupied dwellings; low income; physically disabled; multi-plex property sharing cost. Item 2(a) state is not opposed but would like more details prior to this provision being adopted. Item 2(b) covers 'right-size' of service to allow various size receptacle. Item 2(c) commercial property multiple pickups. Additional certification may be required to ensure compliance with State goals and objectives. Proposing adjustments with these policies however State will continue to monitor and if their goal is not being met then further adjustments may have to be made. Exclusions can be revoked for cause or have conditions placed on them.
- Mayor Morgan – Opened item to Council for comments.
- Council Member Taylor – Where are we with County discussion for sort ability? Self-hauling issue.
 - Jim McRea – authorizes staff to meet with both CIWMB and Franchisee prior to enhancements. Shaw Report pending and once received will meet with Mr. Landon and County.
 - Council Member Taylor – one example item of commercial being forced into having 2 services, commercial and residential. Would like to add clause allowing that if showing compliance at least one location, then only have to cover 1 service. Concerned because numbers have not come in yet. Looking for significant reduction in fees. Also protected class rather than low-income
 - Attorney Wayne Lemieux – can give senior citizen discount.
 - Mayor Morgan – from what both committees have heard, these issues mostly heard and documented. Come from previous meeting and public comments including press. Good work and good direction. Does not consider this need to be in ordinance format. One occurrence from this document, another public meeting for more public suggestions. Consider this to be direction to staff from meetings. Not willing to vote on this because believe is unnecessary step, wish to occur but believe need to just give direction to staff to continue process. Public comment may still happen. Does show good work and appreciate that staff contacted CIWMB and worked with them on their concerns up front, shows working on state level to prevent additional fines. This is showing progress, making sure we are still in line and doing what we need to do to move forward. Believe this direction will be modified after tonight, don't believe should vote as a resolution to prevent future rescinding.

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- Council Member Wiknich – disagree on basis last couple month's comments from people who are waiting for us to take decisive action. Now at point to do this thru resolution. Need to start doing, not just talking. Set a standard. Not decisive to talk but not take action. Time to move and make these changes. Need to go ahead and do this and show community and Benz this is what we want done. Not just thinking and talking. Would like to add resolve not to enforce violation section and when ordinance is revised, remove violations from ordinance. Wants something from council we will not enforce that section.
 - Attorney Wayne Lemieux – takes ordinance to amend ordinance, need to start now. Resolution stating not going to enforce not allowed. Amend ordinance with ordinance, not resolution. Don't anticipate citations on a new program, if council expresses that view will carry weight with staff.
 - Council Member Taylor – not sure if processes are in place.
 - Harvey Rose – new program, establish policies, 1st billing cycle has mistakes, not coming down on people now and will be long time. First try to make existing ordinance work before penalizing people.
 - Council Member Carter – support resolution. Community changes need to be made. Appreciate Benz sitting down and trying to solve. Due to emails, council appearance and input this is the result. Agree with Jerry Taylor addition. Do we need resolution or can we just direct staff.
 - Attorney Wayne Lemieux – either way, council discretion.
 - Council Member Holloway – nothing here that I don't like. On commercial side, recycling being picked up weekly regardless? May need to adjust to have recycling emptied more often than traditional. Agree with Mayor. Can't do this without discussing with Benz. Some details need to be worked out to make sure policies are reasonable for Benz to meet. Physical implementation of this resolution needs to be considered. Dealing with big numbers, every time discount offered it puts a burden on the remaining participants in the program. Need to let everyone know the cost of the changes. Other thing we have question is this ordinance legal? Are we sure this ordinance is written in a way that is legal.
 - Attorney Wayne Lemieux – referring to whether this is mandatory recycling? It is mandatory.
 - Council Member Holloway – sometimes pass off questions.
 - Attorney Wayne Lemieux – sometimes laws you right are similar to sausage. This was written then had changes along the way. Could be written better and judge can tell us if it is right or wrong.
 - Council Member Taylor – volunteer, willing to meet on December 21st with public.
 - Jim McRea – solid waste also on agenda item No. 6
- Mayor Morgan – open public comment at 7:21pm looking for comments and suggestions
 - Brian Waterman – discussion on ordinance regard to legality, question to attorney, is the ordinance title and chapter headings have affect to law?
 - Attorney Wayne Lemieux – municipal code has separate provision dealing with titles and headings. Generally titles and headings are to be consistent with body, body is what counts.
 - Mr. Waterman – When drafting ordinances, is there guidance available?
 - Attorney Wayne Lemieux – not a guide book, broad regulations.
 - Jim Rachels – stated ordinance is not proper in format. 2 months have asked staff what part of ordinance mandates recycle collection service. December 7 received answer,

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green but not blue. Also, exclusive franchise rights to Benz. Cited section about self-hauling. This is wrong; none of these items mandate a recycle collection program. Anyone reading ordinance, clear there is requirement for green for solid waste but none for blue recycle. Resolution should not be voted on as it clarifies something that does not exist. Cannot allow Benz to do mandatory recycling and bill for it. Request council amend ordinance or enforce in the way written which does not include recycling.

- Harvey Rose – law is written as a body of information not sentence by sentence
 - Jim Rachels – bringing lawsuit against Benz soon.
 - Mayor Morgan – forwarded response to attorney and has asked for response to Council. Not talking about the ordinance tonight. Talking about this resolution to make corrections on what has been done.
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- Dave Matthews – are we discussing with or without section 2(a)
 - Mayor Morgan – full resolution at this point.
 - Dave Matthews – feel 2(a) is reasonable. Not clear where leaseholder fits in, commercial or residential
 - Harvey Rose – several areas referenced to owners or tenants.
 - Dave Matthews – son-in-law rentals in town including tri-plex with large bin that is commercial.
 - Mayor Morgan – further clarification required.
 - Dave Matthews – disagree with mayor about this resolution, mentions certifications and affidavit, should be something rather than just direction to staff. Would like to see forms as soon as possible.
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- Debbie Ball – question on 1(b) about dwelling. Stated in ordinance owner agreement, if tenant moves out does owner have to sign up for service for such a short time (3 months) then if vacant longer ask for credits and suspension of service.
 - Harvey Rose – tenant signs up, tenant leave, stop service. You want service to continue?
 - Debbie Ball – clarified
 - Harvey Rose – if tenant leaves and services is not wanted, owner should fill out form stating expectation of vacancy time.
 - Debbie Ball – don't see it written in resolution, can we add
 - Harvey Rose – could be added
 - Mayor Morgan – Ms. Ball assist with writing provision?
 - Debbie Ball – yes, just call me.
-
- Jim Sharp – don't feel anyone has problem with low income or senior citizens receiving 1(c) but does change rates for those receiving service without discount. Regard to EPA individual taking trash from home not allowed in commercial bin. Is time to move, can annual statement of profits be generated for public and then redistributed to public?
 - Council Member Wiknich – would like to add you are right about rate modified in future due to number of people getting exemption, problem is don't know the numbers until policy is implemented. Based on applications will change financial impact to program. Still looking at final rate because of these changes. Unfortunately won't have numbers until applications are received.
 - Jim Sharp – already been one rate hike, if going to remove violation section why don't just not pay until rate is figured out.
 - Council Member Wiknich – violations still has penalties, not the same as not paying bill.
 - Jim Sharp – if takes several months to get numbers, will see another rate hike, can it be a fixed rate for a set amount of time?

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- Council Member Wiknich – full audit of actual costs.
- Walt Maurer – question is anything on resolution legally binding?
 - Attorney Wayne Lemieux – ordinances enforced by misdemeanor infraction, resolutions can be enforced without misdemeanor infraction.
 - Walt Maurer – item 2(a) specifically statement number 2 includes both residential and commercial. Gave scenario of 5000 of 10,000 sign affidavit, are they entitled to not pay anything for recycling? Extreme example every citizen has problem with mandatory recycling, no one pays?
 - Harvey Rose – declaration is statement of truth, what 2(a) is attempt to legitimize self-hauling, may be open to exemption or adjustment. May be a rate, perhaps lower, that everyone must pay for cost of recycling. In general State is still monitoring to see if we meet their goals. If this policy does not allow us to meet that goal would have to change policy to meet goal.
 - Walt Maurer – caveats implied, caution public, may is not equal to shall, may be partial rather than full refunds or discounts. No longer share excitement because may not shall, and revocable for cause. Who's going to go around checking people's trash cans? Commend council but citizens have solution and expecting press release in next week or so. If resolution is legally binding but concerned about words like 'may' rather than 'shall'. Most people will sign declaration until see details.
 - Mayor Morgan – correct, will you help give additional comments?
 - Walt Maurer – no, already said what I wish to say. voluntarytrash.net has comments. Article 1 section 7b
 - Mayor Morgan – not part of the resolution
 - Walt Maurer – read constitution article.
 - Attorney Wayne Lemieux – state law grants military special privileges not given to any others, many laws grant special privileges, can't discriminate or create unlawful classes, analysis beyond constitution. Appropriate to give military special privileges.
 - Walt Maurer – can read constitution rather than case laws. Intent is clear. Why should anybody not have a discount? 'May' needs to be converted to 'shall', if don't want service, no fee.
- Robert Eierman – unoccupied or vacant property, 3 months is long time. 1 month more reasonable. If tenant goes landlord still has to pay. Class of citizens that could be created without being unconstitutional would be level of service; any citizen could take advantage of that. Other class creating is people who reside in multi-plexes. If they can share then all citizens should be able to share. No reason to violate constitution to handle this situation. Don't know the purpose when written, strict reading of section 2(a). Caution against 'virtually all' goal is 50% diversion.
- Jim Winegardner – 1(c) will float, new base will adjust for those receiving discount and/or signing affidavit. If given the opportunity will self-haul, under penalty of perjury would take it. Revenue will shift away from Benz and City would have to adjust rate again. Recent article that Benz has invested significant money in equipment, won't absorb if City walks away from recycling component, veiled threat or statement of fact they intend to recover those funds, don't walk away from capital investment. If City, after adjusting the rate settles on a rate significantly higher, then it creates problems for rate payers. Agree with Mayor, no reason for resolution format. City has number of policies and procedures they operate on that don't come to Council, believe the council should direct staff to take thru committees for more public input. Don't believe requires council action.

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- Nolan Paulson – one thing missing is cost incurred and cost to pay for trash hauled, if don't have trash hauled then no cost. If Benz isn't incurring cost to pick up trash then shouldn't be fee. Market be market and government be government, enforcing market with government causes problems. How much does it really cost to take trash to dump and recycle? Setting rate schedule without those numbers. Benz invested without costs, gambled on economic base. Going to fight rate structure, opting out or in, still need formula to set costs. To pay for services not received isn't good business. Example of parent traveling for several months, no trash during that time. What is problem with canceling that with proof? Ability to call Benz and suspend service and no charge. Why is it so hard? Getting into process of legislating fees will fight for the life of the ordinance.
- Stan Retorah – clarification of part (e) for multi units. Past could get second bin at reduced price, for duplex don't want tenants sharing bins, can they get reduction in cost for second bin? Indicated but not specified.
- Mark Ball – is cost for this program, service is where argument is. In agreement with fee that covers facilities, similar to phone bill. Fair and equitable and broken down by service level we want. Portions of ordinance addresses item 1(e) allowing commercial rate on properties, Benz won't recognize. Appreciate is in writing, currently not adequate city staff to resolve legitimate issues and staff does not have authority. If Council does this, will Benz step up and honor what is currently in ordinance? Not willing to wait until January while it still costs me money. Mr. Parsons is very busy responding to calls but does not have authority to resolve. Don't have problems with basic charge if not getting trash but needs to be lower. Currently paying full price on some vacancies. Invite Mr. Benz to attend and stand up. If not we are wasting time. Additional suggestion is to start process to cancel 10 year agreement. Purpose is for capital investment. Can't guarantee any business will be here 10 years, request City begin.
- Margie Petrolia – single senior citizen, what would happen if every cart was put out every week whether anything in it or not. Paying same as someone who puts out a full container every week, make truck stop at every place. Weight on recycling at Tehachapi, rocks and such add weight. Water bill is set by use, trash should be same.
- Mike Neel – note in resolution has fundamental flaws. City manager states adjust rates and wait to see if we meet State's goals, remind goal of state board is that we have mandatory trash and recycling for every residence in town. That was stated by CIWMB and council. This resolution violates that goal, what will we tell state. Other problem created, as soon as people get off collection, other have to pay more. Does this solve the problem? Can't be solved by resolution, people need freedom and be allowed to pay for what they want.
- Ivan Beyer – one things read from CIWMB was overall attempt was 50% diversion, can't argue pros & cons or validity. Know the intent is 50% diversion and understand they came down on City for Mandated program. Don't understand mandated program vs. mandatory for every resident. Diversion is on pro-rated basis yet being done on house rather than number of people in the residence. Agree trash and recycling we all need to participate, but option of individually rather than mandated. Even with capital investment made by company on best information available, they overshot their target. Adjusting rates because discounts does not mean justifiable rate increase to pay for equipment they overbought.

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- Ron Porter – disturbed about violating constitution because someone else did.
 - Attorney Wayne Lemieux – not what was said, said it is constitutional to create valid class and gave example of military.
 - Ron Porter – asking again for cost justification of current fees, has requested in past. Why changed from 1 week pickup to 2 weeks. Doubled volume of all citizens, now ½ can be picked up weekly, can't find anything requiring trash pickup weekly. This resolution good step forward. Consider number of persons in residence.
- Diana Moon – don't believe can mandate recycle without giving credit on bill as other cities do.
- Dave Matthews – not sure how many times blue bin has been picked up, never full except for one time. Usually 1/3 or less, if don't have anything won't set out. If been gone for a week, would not set out green can but still paid for it, however in case of recycling could do with less frequent pickup. When blue bins came out, heard there was one size, however yesterday saw a smaller one here at City Hall. Would like to get one of those and pay less. Mr. Taylor mentioned concerns about 2(a) because county didn't have means of sorting here, after town hall mentioned using hazard waste area for sorting, asked Mr. Peterson (McQuiston rep), staff should ask county
 - Mayor Morgan – staff, CIWMB and county have been in discussions.

Public comment closed at 8:26pm

- Council Member Carter – Request Council hold another town hall meeting to get more input from the public.
- Council Member Taylor – Monday, December 21 at 5:00pm, Council Chambers. Will take list and work with staff to re-write these and bring additional version to meeting of 21st. also willing to have special council meeting next week.
- Council Member Wiknich – don't do anything tonight?
- Council Member Taylor – willing to pass on for tonight and come back with changes.
- Council Member Carter – hoping will communicate with city manager changes to move forward.
- Council Member Taylor – email to city manager, couldn't make changes previously but willing to make changes now and interact with public to make this better. Issue is there will need to be compromise, can't make everyone happy. Personally hear request for Senior discount from non-seniors. Other cost issues coming out of this so rate may not be able to go as low as we hoped.
- Mayor Morgan – in this process, meetings and discussions with various committees, staff, county, and state. Underlying comments is this is not specific enough; only thing that is going to be specific is a revised contract. Can do this with staff direction, motion to council will be coming. Impossible to get all of the moving parts together at one time in such a short time. Need to include transfer station. Believe have good start and staff understands direction needs to go, after town hall meeting, changes put in writing, and then another meeting with Benz needs to occur.

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- Council Member Wiknich – add has no problem getting more public input. This resolution as staff reported was shared with CIWMB and contrary to what was stated about no longer being mandatory is not true, CIWMB has accepted all provisions in section 1, number 2(a) they want to talk to us more and that is understandable. If not by resolution, then clear direction to staff to proceed with these items with exception of 2(a) and add fine details.
- Council Member Taylor – staff tomorrow based on input tonight makes changes to be presented to public on Monday at town hall meeting. Draft another version to be reviewed. Propose special meeting before everyone leaves for the holidays. 24 hours notice to comply with Brown Act. Town Hall December 21 at 5:00pm. If all wording on 2(a) people required to certify by affidavit they truly do recycle 100% of items from their homes. Rather than ‘virtually all’. Certifying nothing going to landfill. There are costs and we have signed up for certain level of service. This was intent and can be worked on.
 - Harvey Rose – understand the language here came from state pamphlet. One owner or occupant with service at both residence and business may share between the residence and business.
- Council Member Taylor – 1 month vacancy to suspend service.
 - Harvey Rose – state information suggested up to 5 months recognizing that lower period of time is administrative headache for both franchisee and city. Couple week couldn’t keep track.
 - Council Member Taylor – if tenant pays rather than rental fee, bills revert back to owner. Several suggestions.
 - Harvey Rose – automatic transfer from tenant to owner, have been cases shown owner is not responsible to tenant with regards to billing.
 - Council Member Taylor – procedural issue, simplify cancellation process. Lack of trust.
- Mayor Morgan – if something is passed, we must cancel resolution to create new. Ask for motion to approve resolution. Given specific changes made so far.

No motion, Council direct staff to work on language of resolution with things heard tonight and bring back to discuss Monday December 21st.

Scheduled December 23rd special meeting at 6:00pm.

3. **Ordinance 09-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XII Article 9 And Repealing Chapter IV, Article 19 Of The City Of Ridgecrest Municipal Code Concerning Water Efficient Landscape Requirements**
McRea

This ordinance was introduced for first reading, by title only, at the regular Council meeting of November 4, 2009 and for second reading and adoption at the regular Council meeting of November 18 at which time it was determined that further language revision was necessary. Council scheduled a Special Council Meeting for November 23 to amend the language of the ordinance. The Ordinance was brought back to Council for first reading on December 2, 2009, and was approved by motion to prepare for second reading.

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- Jim McRea gave staff report. Changes have been shown in backup.

No Council statements

- Penelope LePope – is waiving reading can summarize? Voiced suggestions for changes.
 - Council Member Taylor – what comments?
 - Penelope LePope – mandatory requirement about runoff, concerned that people need to be noticed before fined
 - Mayor Morgan – runoff redefined and read the changes made to the definition. And violation portion completely changed. Read changes.
- Richard Wagner – tenant and landlord discussion. Any resolution to who would be responsible.
 - Attorney Wayne Lemieux – person controlling the valve.
- Randall Paulson – the city will pass and water district will mirror. Will city enforce?
 - Mayor Morgan – city will enforce their ordinance.
 - Randall Paulson – double fines?
 - Attorney Wayne Lemieux – can't be charged twice for same offense, water district will shut off service rather than write citations. Don't expect City to make much effort to enforce.
- Nolan Paulson – this is really modified behavior by a rate structure? If I have a large lawn and expend a lot of water to water it.
 - Council Member Taylor – water district will turn off valve, City isn't here to discuss rates or Water district board.
 - Attorney Wayne Lemieux – just talking about turning off the valve if broken.
 - Nolan Paulson – ticketed by City?
 - Attorney Wayne Lemieux – no.

Recommended Motions – 2 motions

Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance 09-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XII Article 9 And Repealing Chapter IV, Article 19 Of The City Of Ridgecrest Municipal Code Concerning Water Efficient Landscape Requirements

Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 09-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XII Article 9 And Repealing Chapter IV, Article 19 Of The City Of Ridgecrest Municipal Code Concerning Water Efficient Landscape Requirements Was Made By Council Member Taylor, Second By Council Member Carter. Motion Carried By Voice Vote Of 5 Ayes, 0 No's, 0 Abstain, And 0 Absent.

Requires a Second

Motion To Adopt, By Title Only, Ordinance 09-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XII Article 9 And Repealing

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Chapter IV, Article 19 Of The City Of Ridgecrest Municipal Code Concerning Water Efficient Landscape Requirements

Motion To Adopt, By Title Only, Ordinance No. 09-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XII, Article 9 And Repealing Chapter IV, Article 19 Of The City Of Ridgecrest Municipal Code Concerning Water Efficient Landscape Requirements Was Made By Council Member Taylor, Second By Council Member Carter. Motion Carried By Voice Vote Of 5 Ayes, 0 No's, 0 Abstain, And 0 Absent.

Requires a Second

RECESS (if necessary) – meeting was recessed for 5 minutes

- *Item 4 was pulled from the agenda prior to approval of the agenda.*

4. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Adding Section 20-40 To Chapter 20 Of The Ridgecrest Municipal Code Concerning A Residential Commercial Specific Plan Rose

As this report is being written, the Kern County Clerk is auditing signatures for the Wal-Mart initiative. Unless informed otherwise by the Kern County Clerk, it is assumed that sufficient signatures have been submitted for the initiative. This being the case, Staff recommends the City Council exercise its right to approve the Initiative, and adopt the associated Ordinance in lieu of an election. This would avoid another six month delay in the initiation of the Wal-Mart construction project.

Recommended Motions – 2 motions

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Adding Section 20-40 To Chapter 20 Of The Ridgecrest Municipal Code Concerning A Residential Commercial Specific Plan

Requires a Second

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Adding Section 20-40 To Chapter 20 Of The Ridgecrest Municipal Code Concerning A Residential Commercial Specific Plan

Requires a Second

- *Moved item 7 to this location due to persons needing to leave.*

7. Resolution No 09- ; A Resolution Of The Redevelopment Agency Of The City Of Ridgecrest Approving An Olde Towne Action Plan Program McRea

The resolution as presented will authorize the establishment of an Olde Towne Action Plan Committee and Program to initiate implementation of the Olde Towne Goals and Objectives approved as part of the recently adopted Ridgecrest General Plan Update. The Olde Towne Action Plan Committee shall be comprised of 11 members, (5 members from the Planning Commission and 6 members representing Olde Towne Merchants, Property Owners and/or the Chamber of Commerce.

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- Jim McRea gave staff report with brief overview of action plan (OTAPP) appropriate for council to approve resolution.
- Mayor Morgan – question on the number of planning commissioners on the committee.
 - Attorney Wayne Lemieux – could result in due process hearings and recommend committee not include all commissioners to avoid conflict.
- Council Member Wiknich – recommend 2 commissioners?
 - Attorney Wayne Lemieux – yes
- Council Member Taylor – does have to be same 2 commissioners or can they rotate
 - Attorney Wayne Lemieux – issue is due process, trying to save trouble. Pick somebody to stay off the committee and keep it that way.
- Trisha Stratton – new business owner, 2 ½ years and has learned a lot. Been appointed as chairperson for past year, would be great if Olde Towne could pull together, lot of merchants are interested, few still skeptical. Glad city is considering the program.
- Dave Matthews – has not looked at entire item but thought Mr. McRea said this was going to entail city staff time, if that is correct would look at ways to reduce that since staff is already burdened with furloughs.
- Matthew Alexander – issue of number of participants was discussed and while respect attorney's recommendation, with all planners on it don't have to decide who, if council is going to amend to 2 commissioners then suggest 2 council members also be part of the committee.
- Council Member Holloway – is designation 'Olde Towne' or all-American city?
 - Matthew Alexander – can apply for all-American designation
 - Council Member Holloway – is that the goal?
 - Matthew Alexander – one of the things would like to see come out of this.
 - Council Member Holloway – Sacramento representative conference call to go over details.
- Council Member Taylor – positive experience working on GPAC, appreciate staff and look forward to what they can do, encourage council members to participate. Will throw name in the hat.
- Council Member Carter – understand shouldn't have all five; recommend 2 but can we have 3?
 - Attorney Wayne Lemieux – getting into Brown Act if quorum, meetings need to be noticed as council meetings or commission meeting. Minutes have to be taken; awkward is some show up just in case. May want to keep it to 2 as practical matter.
 - Council Member Carter – recommend 2 planning commissioners, 1 or 2 council members and more business members.
- Council Member Holloway – volunteered

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- Mayor Morgan – recommended amendment to the resolution to reduce number of planning commissioners to 2 and add 2 council members (Taylor & Holloway have volunteered) any other comments from board or public.
 - Matthew Alexander – recommend approve resolution tonight and at next council meeting will provide roster.
- Council Member Taylor – council members are participants not chair the committee
- Council Member Carter – remove commissioners names and state number of commissioners and council members
- Mark Ball – encourage committee to involve property owner as well as business owner. Include on notices.
- Jason Patin – no problem with process. What is the difference between GPAC and this with all commissioners?
- Jim McRea – GPAC was study session prior to formation of committee. Was a planning commission project. This would create overlay district using Tehachapi model or other main street designation. Different than the general plan process.
- Mayor Morgan – called for a motion

Motion To Approve Resolution 09- , A Resolution Of The Redevelopment Agency Of The City Of Ridgecrest Approving An Olde Towne Action Plan Program As Amended Was Made By Council Member Taylor, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes, 0 No's, 0 Abstain, And 0 Absent.

5. Resolution 09- , A Resolution Of The Ridgecrest City Council Authorizing The City Manager To Transfer Funds From The Redevelopment Agency To Match Transportation And Development Act (TDA), Article 3 Grants For Street And Bike Lane Improvements

Rose

Several years ago the City of Ridgecrest received TDA Article 3 grants totaling \$413,949 for the construction and improvement of street and bicycle lane improvement projects at various locations within the City, however matching funds in the amount of \$120,000 are required to complete the projects.

At the direction of the City Manager, the City Engineer prepared a cost analysis of the aged projects which was presented to the Infrastructure Committee for review. The committee determined that all of the projects should be pursued providing shortfall funding is available. It has been determined these projects are RDA worthy and funds are available from the RDA after all other set asides and obligations are met. Recommendation to Council is to authorize City Manager to transfer funds in the amount of \$120,000 from RDA to provide the matching funds to complete these projects.

- Harvey Rose gave staff report highlighting grant funding available and projects that have not been completed. Matching funds necessary to complete the 4 projects outlined in the staff report. If completion is not done by the deadline then the funds will be lost. Worked with Tyrell to find the matching funds and

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after RDA meets all obligations to state there are funds available for these projects which are RDA eligible.

- Council Member Taylor – does attorney agree with appropriations from RDA
 - Attorney Wayne Lemieux – blight elimination
- Mayor Morgan – have used it in the past.
 - Jim McRea – RDA provides for redevelopment, infrastructure and blight elimination. Determination class I bikeway would match the plan so is eligible expenditure.
- Council Member Taylor – appreciate these projects getting completed.
- Mike Neel – what is total of projects not completed?
 - Harvey Rose – 1st 4 lines represent grants with last column showing shortfall, bottom line shows combined Upjohn cost which shows less shortfall.
 - Mike Neel – making up shortfall of \$120,000, if don't do this, what happens?
 - Harvey Rose – grants go away, may or may not get funds to finish projects in future.
 - Mike Neel – none of these projects have been started.
 - Harvey Rose – multi-phase projects that are partially completed.
 - Mike Neel – seems there are other things in town needed more than bike paths. Also continue to contest RDA funds for these types of purchases. Elimination of blight is primary emphasis, hard time justifying that bare ground was blight. Fraudulent use of funds.
- Council Member Taylor – item includes curb and gutter, improvement to street, signage.
- Richard Wagner – afraid of being hit by cars as paths aren't wide enough, see this as good expenditure
- Mayor Morgan – agree with Neel's statements however under guidelines of TDA grant funding don't always get to choose, only get what is approved by County. One pocket of money expended is for bike paths. City received this pocket of money and if we hadn't received it, someone else would have. There is an expenditure of city fund is approximately 5 to 1, spend couple hundred thousand and receive seven hundred thousand.

Motion to approve Resolution 09- , A Resolution Of The Ridgecrest City Council Authorizing The City Manager To Transfer Funds From The Redevelopment Agency To Match Transportation And Development Act (TDA), Article 3 Grants For Street And Bike Lane Improvements was made by Council Member Wiknich, second by Council Member Carter. Motion carried by voice vote of 5 ayes, 0 no's, 0 abstain, and 0 absent.

DISCUSSION AND OTHER ACTION ITEMS

6. CIWMB Status Report

McRea

- a. 2006 Base Year
- b. MRF Feasibility Study recommendations

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c. City Council Committee reports and recommended action

- Jim McRea gave overview of status report.
 - Copy of attachment from CIWMB board setting base year of 36%.
 - Acknowledgement and added to resolution that City of Ridgecrest was not in agreement with resolution.
 - 10% or less biomass diversion rate.
 - MRF study forwarded to CIWMB and reviewed with Shaw. Page 37 executive summary and findings gave no recommendations. City developing alternate. Portion is provided in agenda attachment and full copy available at city hall. Direct hall cost summary and transfer facility cost summary. MRF numbers go to \$14.00. Report was forwarded to all parties. \$2million for transfer station. Required to implement program that includes building of MRF, take several years to go on line.
 - 2 committees established by Council to conduct meetings with public and Benz to resolve issues. At this point less than 50% of commercial services have subscribed to service. System failure has prevented a business license listing for billing.
 - Service and billing began November 1.
 - 24 hour hotline is operating. 760-499-5069 can ask for call-back but 3-4 day delay for lack of staffing.
 - Desiree Becker new contact 760-499-5062
 - No action required, just status report.
- Mayor Morgan – citizens committee meeting December 21 at 5:00pm for public

CONSENT CALENDAR

All items on the Consent Calendar are considered to be routine by City staff and will be approved in one motion if no member of the Council or the public wishes to comment or ask questions. If comment or discussion is desired by anyone, that item may be removed from the Consent Calendar and be considered separately, with public comment, before action is taken.

- Mayor Morgan – read items on consent calendar
- Council Member Wiknich – minute's question, closed session strike language.

Motion to approve Consent Calendar as amended was made by Council Member Holloway, second by Council Member Taylor. Motion carried by voice vote of 5 ayes, 0 no's, 0 abstain, and 0 absent.

8. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of December 2, 2009 Ford

9. Resolution No. 09- , A Resolution Of The Ridgecrest City Council Authorizing The Submittal Of A Kern County Air Pollution Control District (KCAPCD) Motor Vehicle Emission Reduction Project (MVERP) Application For A Vehicle
Taylor

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Staff is requesting to submit a Kern County Air Pollution Control District 2010 Motor Vehicle Emission Reduction Program (MVERP) request for Proposal.

Staff is requesting two Vehicles to replace a 1996 Mercury Grand Marque and 1996 Ford Crown Victoria gas fueled vehicles in the Police Department with more fuel efficient vehicles to reduce pollutants.

10. **Resolution 09- , A Resolution Of The Ridgecrest City Council Authorizing The Resolution Of The Ridgecrest City Council Approving The Applicant To Apply For Grant Funds For The Energy Efficiency And Conservation Block Grant (EECBG) Program Under The American Recovery And Re Investment Act 2009**

Taylor

The block grant program is designed to provide small cities and counties within the State of California grant funding to install eligible cost-effective energy efficiency retrofits within their jurisdictions. The City has been energy conscious. Most of the interior lighting has been changed to high efficiency lamps or Compact Fluorescents.

The City of Ridgecrest allocation is \$146,071.00. There is no match requirement.

One of the projects would be to replace the High Pressure Sodium Light to Induction lamps for the City-owned Street lamps and other eligible projects such as parking lot lights and Energy Efficient HVAC systems for City facilities providing funds are available.

PUBLIC COMMENT

Persons wishing to address the Council on matters that are within the Council's jurisdiction and do not already appear on the agenda, may do so at this time. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on this Agenda. Speakers are limited to five (5) minutes. The PUBLIC COMMENT section of the Agenda is limited to a total of sixty (60) minutes. Speakers are asked to provide their name and address for the record.

- Jim Rachels – rate for green trash cans must be set by city council resolution have not seen anything establishing a rate for the green trash can. Asking council to do resolution actually setting a rate. Why did rate go up when Benz got a larger customer base?
- Dave Matthews – merry Christmas. For information to City and other senior citizens, last week was subject of attempted telephone scam. Widespread centered in Montreal Canada. Call from grandson, supposedly, in Canada with friends in movie industry. Party and auto accident after drinking. Friend unable to drive. Took away phone and calling with calling card from jail with no call-back number. Only way to contact was wait for his call. Needed \$4100 to pay damages with no license issues. Requested to wire money gram and pay back after getting home. Was supposed to keep to self due to argument of going to Canada. Was hard pressed for money so called family and found out grandson not in Canada but in class. Realized was a scam. Notified police and FBI who referred to Verizon fraud who took information and passed on. Real grandson had heard of the scam in San Diego so contacted and advised. Called and found out confirmation digits and when person called back gave them number of digits.

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Finally called back with something wrong with numbers. Just letting people know this is happening.

- Richard Wagner – resolution pertaining to time of unoccupied residence time is too long. One month suggested.
- Morgan Campbell – moved here from liberal, politically correct area. Appreciate businesses in town saying Merry Christmas. Liberals were allowed to take over where I came from. Appreciate this council for not providing a venue for politically correct people taking over.
- Mike Neel – asking again for public comment to be placed at beginning of meeting.
- Mark Ball – Merry Christmas. Need to discuss the end of evergreen part of Benz contract. Gives me heartburn for 10 year end date. Need to get rid of it. In ordinance 9-01 2.5 (c) reviewed rate sheet for commercial and multiplexes. Benz interprets this differently than way it is written. Staff is short staffed and taking approximately 4 weeks to get return calls. Finger pointing; have not been able to get a resolution to our problem both at home and business. Discounts for old folks, everyone plans on getting old, would be nice to get a break when on a fixed income.

MAYOR AND COUNCIL COMMENTS

The Mayor and Council Members may make a brief statement. In addition, Council Members may ask questions of staff or the public for clarification on any matter; make a request of staff for factual information, or request staff to report back to the Council at a later meeting concerning any matter. In addition the Mayor or any Council Member may direct the City Manager to place an item of business on a future agenda

- Council Member Carter – merry Christmas, appreciate the season. Thanks to elks club for parade. Odessa-Newman Staples chaired the parade and did a great job. Wonderful to be in the parade and see people.
- Council Member Holloway – Ask staff to have copies of cost breakdown for the meeting of December 21 meeting. Also ask people to think about the evergreen, no one complained when it was \$9.00 and voluntary. Going to have to have a contract with someone else and chances are they will want an evergreen contract also. Remote location and hard to get haulers to come here. California City has Benz also. Merry Christmas and Happy New Year.
- Council Member Wiknich – Mr. Matthews scam reminded about another scam firm offering property reduction for \$189. Don't fall into that one. Happy Hanukkah and Merry Christmas. Love our community.
- Council Member Taylor – Merry Christmas. Find myself getting lazy about saying Happy Holidays. Consider starting council at 5:30 to start council meeting at 6pm. Look forward to meeting on 21st and working with Chip to get these updates completed. Will make best we can within shackles given by state.

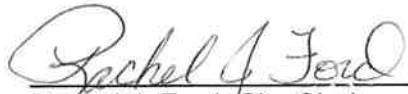
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- Mayor Morgan – city Hall closed December 24 thru January 3. Animal Shelter fundraiser at Kentucky Fried Chicken, flyers available. Progress report, Benz tonnage information 62.36 tons from commercial, 10.36 tons not recyclable. 114.37 tons residential 5.72 tons not recyclable. Commercial should be greater than residential, can make it work with a little help. Comments made about council and how much we don't do. Personal example, don't keep exact records but since being questioned went back thru year 108 total meetings 196 hours. 14 meetings out of town for 22 days. Average 9 meetings per month. Total number of days 30 at 24 hours. 98 hour work days for the community. Council doesn't brag, but wanted to give these numbers and they are not accurate. Appreciate the gentlemen on the council. 36 events attended. Uses council stipend to pay for those events, do not bill the city. 7233 miles driven. Length of California 9 times. Thank you and Merry Christmas.

ADJOURNMENT


Rachel J. Ford, City Clerk